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Attorneys for Defendants

UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF CALIFORNIA

SAN JOSE DIVISION

BIN LI,

Plaintiff,

V.

MICHAEL CHERTOFF, Secretary of the

MICHAEL CHERTOFF, Secretary
Department of Homeland Security:

Department of Homeland Security,
EMILIO T. GONZALEZ, Director of the

EMILIO F. GONZALEZ, Director
U.S. Citizenship and Immigration Services

U.S. Citizenship and Immigration ROBERT S. MUELLER, Director

Defendants

**PARTIES' JOINT REQUEST TO BE
EXEMPT FROM FORMAL ADR
PROCESS**

Each of the undersigned certifies that he or she has read either the handbook entitled "Dispute
solution Procedures in the Northern District of California," or the specified portions of the ADR
it's Internet site <www.adr.cand.uscourts.gov>, discussed the available dispute resolution
options provided by the court and private entities, and considered whether this case might benefit
from any of them.

Here, the parties agree that referral to a formal ADR process will not be beneficial because this mandamus action is limited to plaintiff's request that this Court compel defendants to adjudicate the application for adjustment of status. Given the substance of the action and the lack of any potential middle ground, ADR will only serve to multiply the proceedings and unnecessarily tax

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court resources.

Accordingly, pursuant to ADR L.R. 3-3(c), the parties request the case be removed from the ADR Multi-Option Program and that they be excused from participating in the ADR phone conference and any further formal ADR process.

Dated: January 25, 2008

Respectfully submitted,

JOSEPH P. RUSSONIELLO
United States Attorney

/s/
ILA C. DEISS¹
Assistant United States Attorney
Attorneys for Defendants

Dated: January 25, 2008

/s/
JUSTIN FOK
Attorney for Plaintiff

ORDER

Pursuant to stipulation and to ADR L. R. 3-3(c), the parties are hereby removed from the ADR Multi-Option Program and are excused from participating in the ADR phone conference and any further formal ADR process.

SO ORDERED.

Dated:

HOWARD R. LLOYD
United States Magistrate Judge

¹ I, Ilia Deiss, hereby attest that I have on file all holograph signatures for any signatures indicated by a "conformed" signature (/s/) within this efiled document.